

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. NPD-98-1
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**ORDER GRANTING PETITION TO AMEND  
NUCLEAR DECOMMISSIONING TRUSTS**

(Issued February 20, 2004)

On January 21, 2004, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) a petition to amend its nuclear decommissioning trust (NDT) agreements. MidAmerican seeks approval of several changes that fall in two categories. First, MidAmerican requested approval of changes to both the tax-qualified and non-tax-qualified NDT agreements to comply with new regulations promulgated by the Nuclear Regulatory Commission (NRC). The new regulations require that the NDT agreements be amended to provide 30 working days notice to the NRC before the initial withdrawal of funds for decommissioning activities can occur.

Second, MidAmerican proposes five changes to correct minor errors in the pre-existing version of the NDT agreements or changes to conform the non-tax agreements to the tax-qualified agreements. These changes include an amendment to allow the non-qualified NDTs to terminate asset pooling arrangements and deletion

of repetitive or superfluous references. No objections or other responses to any of the proposed NDT amendments were filed.

The current trust agreements were approved by Board order issued December 24, 1998, in Docket No. NPD-98-1. The order provided that any future amendments required Board approval.

MidAmerican, in its petition, acknowledged that it had overlooked the requirement for Board approval of future trust amendments when it processed its amendments with the NRC in December 2003. MidAmerican said it had undertaken measures to “assure that the oversight will not be repeated.” While the amendments executed can be viewed as non-substantive because they merely provide for compliance with NRC regulations and correct minor errors, the amendments should have been filed with the Board for approval in a timely manner so that the Board can contemporaneously monitor any changes to the NDTs. The Board will approve the amendments. Based on MidAmerican’s assurances, the Board expects that processes are now in place to ensure future amendments will be filed on a timely basis.

**IT IS THEREFORE ORDERED:**

1. The “Petition for Approval of Certain Changes to MidAmerican Energy Company’s Nuclear Decommissioning Trust Agreements with The Bank of New York” filed by MidAmerican Energy Company on January 21, 2004, is granted.

2. The Board grants to MidAmerican and The Bank of New York the authority to execute the amendments to the nuclear decommissioning trusts attached to the petition.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of February, 2004.